

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION**

Geralyn Nichols,

Plaintiff,

v.

Truist Bank and Equifax Information
Services, LLC,

Defendants.

C.A. No.:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant Truist Bank (“**Truist**”) removes the above-captioned action from the Court of Common Pleas for McCormick County, South Carolina to the United States District Court for the District of South Carolina, Greenwood Division. Truist is entitled to removal pursuant to 28 U.S.C. § 1331 based on federal question jurisdiction. As grounds in support of this Notice of Removal, Truist shows the Court as follows:

1. On October 28, 2024, Plaintiff Geralyn Nichols (“**Plaintiff**”) filed a Complaint in the Court of Common Pleas, County of McCormick, State of South Carolina, under Case No. 2024-CP-35-00097 (“**State Court Action**”) alleging a single cause of action under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et seq.*, against Truist and Equifax Information Services, LLC.

2. The Summons and Complaint, copies of which are included in **Exhibit A**, were served on Truist on October 31, 2024.

3. This Notice of Removal is filed within 30 days of service on Truist in accordance with the provisions of 28 U.S.C. § 1446(b).

4. The time for filing a responsive pleading in the State Court Action has not expired as of the filing of this Notice of Removal.

5. This Court has original jurisdiction of this action under 28 U.S.C. §1331. Plaintiff's Complaint alleges a single cause of action under the FCRA. Plaintiff's Complaint, therefore, presents a federal question within the meaning of 28 U.S.C. § 1331, as it arises under the laws of the United States.

6. In accordance with 28 U.S.C. §§ 1441(a) and 1441(c), venue of the removal action is proper in this Court because it is in the district and division embracing the place where the State Court Action is pending.

7. Defendant Equifax Information Services, LLC, who was served on October 30, 2024, consents to removal. See **Exhibit B**.

8. In accordance with 28 U.S.C. § 1446(d), promptly after the filing of this Notice of Removal, Truist will give written notice of the removal to Plaintiff and will file a copy of this Notice of Removal with the Clerk of Court of Common Pleas, County of McCormick, State of South Carolina.

9. Nothing contained in this Notice of Removal or accompanying papers waives or relinquishes Truist's right to assert any defense or affirmative matter. By filing this Notice of Removal, Truist does not waive its right to assert (1) improper venue, (2) insufficient service of process, (3) failure to state a claim, (4) failure to join a party under Rule 19, or (5) any other pertinent defense available under Rule 12 of the South Carolina and Federal Rules of Civil Procedure.

WHEREFORE, Truist gives notice that this action is removed to the United States Court for the District of South Carolina, Greenwood Division.

/s/ Jason D. Wyman

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Dated: November 26, 2024

Attorneys for Defendant Truist Bank